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EXAMINER	
RYMAN, DANIEL J	

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/694,593	SMITH, ROBERT CARLQUIST
	Examiner	Art Unit
	Daniel J. Ryman	2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6, 8, 13, 14, 16, 21-25, 28, 29, 31, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattaway et al. (USPN 6,275,490) in view of Curry et al. (USPN 6,078,582).

4. Regarding claims 1, 14, 21, and 37, Mattaway discloses a method of, system for, and computer program for making a telephone call using an electronic document stored in a computer, the method and program comprising the steps of and the system comprising means for: retrieving the electronic document, the electronic document including data representing at least one telephone number (col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67); selecting a first telephone number from the electronic document (col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67); and signaling, from the computer via a packet-switched network coupled to a first line, a telecommunication system to connect a call between a first telephone associated with the first telephone number and a second telephone associated with a calling party telephone number in response to the selection of the first telephone number, the call

being connected via the first line (col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67).

Mattaway does not expressly disclose receiving a calling party telephone number; storing the calling party telephone number in memory within the computer to obtain a stored calling party telephone number; and using the stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number. Curry teaches, in a telecommunications system, receiving a calling party telephone number (col. 5, lines 12-15; col. 14, lines 6-17; col. 15, lines 18-27; and col. 15, lines 37-41) where it is implicit that the calling party number is received; storing the calling party telephone number in memory within the computer to obtain a stored calling party telephone number (col. 5, lines 12-15; col. 14, lines 6-17; col. 15, lines 18-27; and col. 15, lines 37-41); and using the stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number (col. 5, lines 12-15; col. 14, lines 6-17; col. 15, lines 18-27; and col. 15, lines 37-41) where, when the ITS, acts like a phone, it uses its stored calling party number in order to set-up a call (col. 15, lines 18-41). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive a calling party telephone number; to store the calling party telephone number in memory within the computer to obtain a stored calling party telephone number; and to use the stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number in order to set-up a call.

5. Regarding claim 2, referring to claim 1, Mattaway in view of Curry discloses that the selecting a first telephone number further comprises: selecting the telephone number from the electronic document using a mouse (Mattaway: ref. 157; col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 11, line 16).

6. Regarding claim 3, referring to claim 1, Mattaway in view of Curry discloses that the electronic document comprises at least one of an e-mail, a word processing file and a web page (Mattaway: col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67).

7. Regarding claim 4, referring to claim 1, Mattaway in view of Curry suggests receiving, prior to signaling, the calling party telephone number; and storing the calling party telephone number (Curry: col. 5, lines 12-15; col. 14, lines 6-17; col. 15, lines 18-27; and col. 15, lines 37-41).

8. Regarding claim 5, referring to claim 1, Mattaway in view of Curry, as broadly defined, discloses that the call is connected across a circuit-switched network (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 11, line 16) since the call, as broadly defined, is connected over the circuit-switched network through the gateway.

9. Regarding claim 6, referring to claim 1, Mattaway in view of Curry discloses that the call is connected across a packet-switched network (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 11, line 16).

10. Regarding claims 8 and 16, referring to claims 1 and 14, Mattaway in view of Curry discloses that the computer is coupled to the first line via a modem (Mattaway: ref. 270 and col. 7, lines 22-31).

11. Regarding claim 13, referring to claim 1, Mattaway in view of Curry discloses that the second telephone is a component of the computer (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 11, line 16).

12. Regarding claims 22, 29, and 36, Mattaway discloses a method of, system for, and computer program for making a telephone call using an electronic document stored in a computer, the method and program comprising the steps of and the system comprising means for: retrieving the electronic document, the electronic document including data representing at least one telephone number (col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67); selecting a first telephone number from the electronic document (col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67); signaling, from the computer via a packet-switched network coupled to a first line, a telecommunication system to connect a call between the first telephone number and a calling party telephone number in response to the selection of the first telephone number (col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67); and establishing, via the first line, a circuit-switched connection between a first telephone associated with the first telephone number and a second telephone associated with the calling party telephone number (col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 11, line 16) where, as broadly defined, the circuit-switched connection between the first telephone and the second telephone is established through the gateway wherein "via the first line" is a broad term which includes establishing the connection through signaling over the first line.

Mattaway does not expressly disclose receiving a calling party telephone number; storing the calling party telephone number in memory within the computer to obtain a stored calling party telephone number; and using the stored calling party telephone number to connect all calls

from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number. Curry teaches, in a telecommunications system, receiving a calling party telephone number (col. 5, lines 12-15; col. 14, lines 6-17; col. 15, lines 18-27; and col. 15, lines 37-41) where it is implicit that the calling party number is received; storing the calling party telephone number in memory within the computer to obtain a stored calling party telephone number (col. 5, lines 12-15; col. 14, lines 6-17; col. 15, lines 18-27; and col. 15, lines 37-41); and using the stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number (col. 5, lines 12-15; col. 14, lines 6-17; col. 15, lines 18-27; and col. 15, lines 37-41) where, when the ITS, acts like a phone, it uses its stored calling party number in order to set-up a call (col. 15, lines 18-41). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive a calling party telephone number; to store the calling party telephone number in memory within the computer to obtain a stored calling party telephone number; and to use the stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number in order to set-up a call.

13. Regarding claim 23, referring to claim 22, Mattaway in view of Curry discloses that the selecting a first telephone number further comprises: selecting the telephone number from the electronic document using a mouse (Mattaway: ref. 157; col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 11, line 16).

14. Regarding claim 24, referring to claim 22, Mattaway in view of Curry discloses that the electronic document comprises at least one of an e-mail, a word processing file and a web page (Mattaway: col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67).

15. Regarding claim 25, referring to claim 22, Mattaway in view of Curry suggests receiving, prior to signaling, the calling party telephone number; and storing the calling party telephone number (Curry: col. 5, lines 12-15; col. 14, lines 6-17; col. 15, lines 18-27; and col. 15, lines 37-41).

16. Regarding claim 28, referring to claim 22, Mattaway in view of Curry discloses that the second telephone is a component of the computer (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 11, line 16).

17. Regarding claim 31, referring to claim 29, Mattaway in view of Curry discloses that the computer is coupled to the first telephone line via a modem (Mattaway: ref. 270 and col. 7, lines 22-31).

18. Claims 11, 19, 26, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattaway et al. (USPN 6,275,490) in view of Curry et al. (USPN 6,078,582) as applied to claims 1, 14, 22, and 29 above, and further in view of Wiener et al. (USPN 6,324,264).

19. Regarding claims 11 and 19, referring to claims 1 and 14, Mattaway in view of Curry does not expressly disclose that the call is further connected via a second line coupled to the first telephone; however, Mattaway in view of Curry does disclose that the call can be connected either over a packet-switched network or a circuit switched network where a gateway is used to make the connection over the circuit-switched network (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16).

Examiner notes that Mattaway assumes that every computer contains Internet phone capabilities. Wiener teaches, in a system for establishing a communication call, connecting, if the computer includes a packetized telephone, a packet-switched call to a first telephone associated with the telephone number; and connecting, if the computer does not include a packetized telephone, a circuit-switched call between the first telephone and a second telephone associated with a calling party using the retrieved data (col. 5, line 3-col. 6, line 22 and col. 9, line 46-col. 11, line 8). It is implicit that this would require the call to be connected via a second line coupled to the first telephone. It would have been obvious to one of ordinary skill in the art at the time of the invention to connect the call via a second line coupled to the first telephone in order to allow for the situation in which the calling party does not have Internet phone capabilities.

20. Regarding claims 26 and 34, referring to claims 22 and 29, Mattaway in view of Curry does not expressly disclose that the circuit-switched connection between the first telephone the second telephone is further connected via a second line coupled to the first telephone; however, Mattaway in view of Curry does disclose that the call can be connected either over a packet-switched network or a circuit switched network where a gateway is used to make the connection over the circuit-switched network (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16). Examiner notes that Mattaway assumes that every computer contains Internet phone capabilities. Wiener teaches, in a system for establishing a communication call, connecting, if the computer includes a packetized telephone, a packet-switched call to a first telephone associated with the telephone number; and connecting, if the computer does not include a packetized telephone, a circuit-switched call between the first telephone and a second telephone associated with a calling party

using the retrieved data (col. 5, line 3-col. 6, line 22 and col. 9, line 46-col. 11, line 8). It is implicit that this would require the call to be connected via a second line coupled to the first telephone. It would have been obvious to one of ordinary skill in the art at the time of the invention to connect the call via a second line coupled to the first telephone in order to allow for the situation in which the calling party does not have Internet phone capabilities.

21. Claims 7, 9, 10, 15, 17, 18, 30, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattaway et al. (USPN 6,275,490) in view of Curry et al. (USPN 6,078,582) as applied to claims 1, 8, 14, 16, 29, and 31 above, and further in view of Mueller et al. (USPN 6,052,411).

22. Regarding claims 7 and 15, referring to claims 1 and 14, Mattaway in view of Curry does not expressly disclose that the second telephone is coupled to the first line via a bandwidth splitter. Mueller teaches, in a system for providing high speed data communication over telephone lines, using a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies (col. 1, lines 10-50, esp. col. 1, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the second telephone to the first line via a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies.

23. Regarding claims 9 and 17, referring to claims 8 and 16, Mattaway in view of Curry does not expressly disclose that the modem is a digital subscriber line (DSL) modem. Mueller teaches, in a system for data communication over telephone lines, using a DSL modem in order to use existing telephone lines for high-speed data communication (col. 1, lines 10-56). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the modem be

a digital subscriber line (DSL) modem in order to use existing telephone lines for high-speed data communication.

24. Regarding claims 10 and 18, referring to claims 8 and 16, Mattaway in view of Curry does not expressly disclose that the computer is further coupled to the first line via a bandwidth splitter. Mueller teaches, in a system for providing high speed data communication over telephone lines, using a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies (col. 1, lines 10-50, esp. col. 1, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the computer to the first line via a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies.

25. Regarding claim 30, referring to claim 29, Mattaway in view of Curry does not expressly disclose that the telephony device is coupled to the first telephone line via a bandwidth splitter. Mueller teaches, in a system for providing high speed data communication over telephone lines, using a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies (col. 1, lines 10-50, esp. col. 1, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the telephony device to the first line via a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies.

26. Regarding claim 32, referring to claim 31, Mattaway in view of Curry does not expressly disclose that the modem is a digital subscriber line (DSL) modern. Mueller teaches, in a system for data communication over telephone lines, using a DSL modem in order to use existing telephone lines for high-speed data communication (col. 1, lines 10-56). It would have been

obvious to one of ordinary skill in the art at the time of the invention to have the modem be a digital subscriber line (DSL) modem in order to use existing telephone lines for high-speed data communication.

27. Regarding claim 33, referring to claim 31, Mattaway in view of Curry does not expressly disclose that the computer is further coupled to the first telephone line via a bandwidth splitter. Mueller teaches, in a system for providing high speed data communication over telephone lines, using a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies (col. 1, lines 10-50, esp. col. 1, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the first telephone to the first line via a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies.

28. Claims 12, 20, 27, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattaway et al. (USPN 6,275,490) in view of Curry et al. (USPN 6,078,582) in further view of Wiener et al. (USPN 6,324,264) as applied to claims 11, 19, 26, and 34 above, and further in view of Mueller et al. (USPN 6,052,411).

29. Regarding claim 12, referring to claim 11, Mattaway in view of Curry in further view of Wiener does not expressly disclose that the first telephone is coupled to the second line via a bandwidth splitter. Mueller teaches, in a system for providing high speed data communication over telephone lines, using a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies (col. 1, lines 10-50, esp. col. 1, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the first telephone

to the second line via a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies.

30. Regarding claim 20, referring to claim 19, Mattaway in view of Curry in further view of Wiener does not expressly disclose that the second telephone is coupled to the first line via a bandwidth splitter. Mueller teaches, in a system for providing high speed data communication over telephone lines, using a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies (col. 1, lines 10-50, esp. col. 1, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the second telephone to the first line via a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies.

31. Regarding claims 27 and 35, referring to claims 26 and 34, Mattaway in view of Curry in further view of Wiener does not expressly disclose that the first telephone is coupled to the second line via a bandwidth splitter. Mueller teaches, in a system for providing high speed data communication over telephone lines, using a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies (col. 1, lines 10-50, esp. col. 1, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the first telephone to the second line via a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies.

Conclusion

32. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel J. Ryman
Examiner
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